

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC
Plaintiff

v.

AMAZON.COM, INC., *et al.*
Defendants

Case No. 6:10-cv-329-LED

JURY

DEFENDANTS' JOINT INVALIDITY CONTENTIONS

Pursuant to the Court's May 26, 2011 Docket Control Order and Local Patent Rule (P.R.) 3-3 of the Rules of Practice for Patent Cases before the Eastern District of Texas, Defendants Amazon.com, Inc., Auditek Corporation, Blue Microphones, LLC, Baltic Latvian Universal Electronics, LLC D/B/A Blue Microphones, LLC D/B/A Blue Microphone, CDW Corporation F/K/A CDW Computer Centers, Inc., CDW, Inc., Compusa.com, Inc., Creative Labs, Inc., Dell, Inc., Digital Innovations, LLC, Fry's Electronics Inc., Gear Head, LLC, Hewlett-Packard Company, Lifeworks Technology Group, LLC, Macally Peripherals, Inc. D/B/A Macally U.S.A., Mace Group, Inc., Micro Electronics, Inc. DBA Micro Center, New Compusa Corporation, Newegg, Inc., Newegg.com, Inc., Office Depot, Inc., Overstock.com, Inc., Radioshack Corporation, Rosewill Inc., Sakar International, Inc., Systemax, Inc. D/B/A Compusa, Target Corp., Tigerdirect, Inc., Wal-Mart Stores, Inc., Best Buy Co. Inc., Best Buy Stores, LP, BestBuy.com, LLC, J&R Electronics Inc. D/B/A J&R, Kohls Corporation D/B/A Kohl's, and Kohl's Illinois, Inc. (collectively, "Defendants") disclose their Invalidity Contentions for U.S. Patent No. 5,855,343 ("the '343 patent") as follows:

Defendants' discovery and investigation in connection with the '343 patent are continuing, and Defendants' Invalidity Contentions are based on information obtained to date. Defendants' Invalidity Contentions are based upon, and necessarily limited by, the records and

information still in existence, presently recollected and thus far discovered in the course of preparing for trial. These Invalidity Contentions are submitted without prejudice to Defendants' right to produce and to refer to at trial, or at any other hearing, any evidence, facts, documents or information not yet discovered or not yet determined to be relevant by Defendants or their respective counsel.

In particular, Defendants' Invalidity Contentions are based in whole or in part on their present understanding of the positions of the Plaintiff AdjustaCam LLC ("AdjustaCam") concerning the scope and construction of its asserted claims, to the extent that those positions can be deduced from AdjustaCam's Infringement Contentions dated February 11, 2011 and served February 12, 2011. However, nothing herein should be construed as an admission that Defendants agree with AdjustaCam's apparent claim constructions. Defendants expressly reserve the right to propose alternative constructions to those advocated by AdjustaCam and to rebut AdjustaCam's actual claim construction positions. These Invalidity Contentions are provided only to apprise AdjustaCam of Defendants' current invalidity positions and are not intended to proffer any proposed claim constructions. Defendants reserve their rights to amend their Invalidity Contentions as may be appropriate, including upon receipt of a claim construction order from the Court.

Defendants maintain that AdjustaCam's Infringement Contentions are insufficient and are not consistent with the Patent Local Rules. For example, AdjustaCam contends that Defendants infringe "jointly" and "by inducement and contributory infringement" but provides no disclosure showing how such joint, induced, or contributory infringement relates to any accused product. AdjustaCam has provided no disclosure at all pursuant to Patent Rule 3-2(a) or (b), and has taken no steps to obtain any such documents from third parties. Furthermore, certain

Defendants have sent letters to AdjustaCam identifying particular deficiencies relating to particular charts, and have received no response from AdjustaCam or any supplemental contentions curing the errors identified in the correspondence to AdjustaCam. Accordingly, Defendants reserve their rights to modify, amend and/or supplement their Invalidity Contentions when and if AdjustaCam amends and/or clarifies its Infringement Contentions.

In its Infringement Contentions, AdjustaCam has asserted that Defendants allegedly infringe only claims 1, 7, 8, and/or 19 of the '343 Patent (with the particular combination of claims asserted varying slightly between products). Although AdjustaCam has not proffered any infringement contentions with respect to other unasserted claims of the '343 patent, Defendants reserve their rights to modify, amend and/or supplement their Invalidity Contentions if AdjustaCam asserts infringement of the presently unasserted claims of the '343 patent. At this time, Defendants are providing Invalidity Contentions for only the claims asserted by AdjustaCam, but hereby reserve their rights to seek invalidation of all claims in the '343 Patent. In addition, Defendants hereby incorporate by reference all charts and contentions relating to invalidity of the '343 Patent as set forth in Ex Parte Patent Reexamination Nos. 90/011,316 and 90/011,366 currently pending before the United States Patent and Trademark Office, as well as any other reexaminations or other action in any other administrative action, litigation, or arbitration asserting or relating to the invalidity of the '343 Patent.

I. U.S. PATENT NO. 5,855,343

Claims 1, 7, 8, and 19 of the '343 Patent are presently asserted in this lawsuit. Claims 1, 7, 8, and 19 are invalid because they fail to meet one or more of the requirements for patentability under 35 U.S.C. §§ 102, 103 and/or 112.